



IFW

00005.001262

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
SHIZUO SHIOZAKI, ET AL.	:	Examiner: Not Yet Assigned
	)	
Application No.: 10/539,574	:	Group Art Unit: 1617
	)	
Filed: June 17, 2005	:	Confirmation No. 4499
	)	
For: USE OF ISTRADefylline for	:	
TREATING BEHAVIORAL	)	
DISORDERS (AS AMENDED)	:	
	)	September 18, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL REQUEST FOR CORRECTED OFFICIAL  
FILING RECEIPT AND REQUEST FOR CORRECTED NOTICE OF ACCEPTANCE

Sir:

Applicants received a Notice of Acceptance (form PCT/DO/EO/903) dated December 7, 2005 and a corrected Filing Receipt dated July 21, 2006. Both documents state that this application is entitled to a filing or 371(c) date of July 28, 2005.

This is incorrect; all 35 USC 371 requirements were completed on June 17, 2005. That is to say, Applicants filed all necessary papers together with an original Declaration on June 17, 2005.

Applicants also filed a Supplemental Declaration on July 28, 2005. However that Supplemental Declaration was not necessary either to complete this application or secure its rights under 35 USC 371; the Supplemental Declaration was


submitted solely in order to specifically mention the benefit of Applicants' rights under 35 USC 119(e) to provisional application No. 60/509,039. However, that application was mentioned in the original Declaration filed June 17, 2005.

For the Examiner's convenience, copies of the original and supplemental Declarations are attached at Tabs A and B, respectively.

Accordingly, Applicants respectfully request the Patent Office to issue a corrected official Filing Receipt and a corrected Notice of Acceptance confirming that this application has been accorded a filing date of June 17, 2005. Any fees incurred in connection with this request may be charged to deposit account No. 06-1205.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
Lawrence S. Perry  
Attorney for Applicants  
Registration No. 31,865

FITZPATRICK, CELLA, HARPER & SCINTO  
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**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT COOPERATION TREATY APPLICATION**  
(Page 1)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "USE OF ISTRADefylline (KW-6002) FOR THE TREATMENT OF BEHAVIORAL DISORDERS"

the specification of which was filed as PCT International Application No. PCT/IB2003/006455 on 24 December 2003 and was amended under PCT Article 19 on \_\_\_\_\_  
(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Country	Application No.	Filed (Day/Mo./Yr.)	Priority Claimed (Yes/No)
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~~I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below.~~

Application No.	Filed (Day/Mo./Yr.)	Status (Patented, Pending, Abandoned)
60/509,039	27 December 2002	

I hereby appoint the practitioners associated with the firm and Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to the address associated with that Customer Number:

**FITZPATRICK, CELLA, HARPER & SCINTO**  
Customer Number: 05514

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT COOPERATION TREATY APPLICATION**  
(Page 2)

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Inventor's Signature \_\_\_\_\_  
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**COMBINED DECLARATION AND POWER OF ATTORNEY  
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Inventor's Signature Mayumi Shindo  
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**SUPPLEMENTAL COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**  
(Page 1)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled USE OF ISTRADefylline for treating behavioral disorders (as amended)

the specification of which ☐ is attached hereto ☒ was filed on 24 December 2003  
as United States Application No. or PCT International Application No. PCT/IB2003/006455  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b), of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designates at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed:

<u>Country</u>	<u>Application No.</u>	<u>Filed (Day/Mo./Yr.)</u>	<u>(Yes/No) Priority Claimed</u>
----------------	------------------------	----------------------------	--------------------------------------

~~I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:~~

<u>Application No.</u>	<u>Filed (Day/Mo./Yr.)</u>
60/509,039	27 December 2002

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Application No.</u>	<u>Filed (Day/Mo./Yr.)</u>	<u>Status (Patented/Pending/Abandoned)</u>
------------------------	----------------------------	--

COMBINED DECLARATION AND POWER OF ATTORNEY  
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FITZPATRICK, CELLA, HARPER & SCINTO  
Customer Number: 05514

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Full Name of Sole or First Inventor SHIZUO SHIOZAKI

Inventor's signature Shizuo Shiozaki

Date July 7, 2005

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Second Inventor's signature Junichi Shimada

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